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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

16 CR 692 (JMF)

5 IVARS OZOLS,

6 Defendant.

7 -----x
8 New York, N.Y.
9 September 20, 2018
11:00 a.m.

10 Before:

11 HON. JESSE M. FURMAN

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the
16 Southern District of New York

MATTHEW HELLMAN

17 Assistant United States Attorney

18 DARREN LAVERNE

19 Attorney for Defendant

20 ALSO PRESENT: YANA AGOUREEV, Russian Interpreter
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(Case called)

MR. HELLMAN: Matthew Hellman for the United States. With me at counsel table is special agent Christina Fox of the FBI. Good morning.

THE COURT: Good morning to you.

MR. LaVERNE: Good morning, your Honor. Nice to see you. Darren LaVerne as yet not appointed.

THE COURT: Good morning, Mr. LaVerne. Good morning Mr. Ozols.

We are joined by -- you can have a seat.

We're joined by a Russian language interpreter. Before I go any further, let me just confirm that you're able to understand the interpreter, Mr. Ozols.

THE DEFENDANT: Yes.

THE COURT: If at any point during today's proceedings you have any trouble understanding, I want you to let me know so that we can take care of the problem right away. Understood?

THE DEFENDANT: Yes. I understand.

THE COURT: We are here because I received a letter from Mr. Ozols indicating that there are issues between him and Mr. Kirton and requesting appointment of a new lawyer.

I can't say I'm happy about the fact that Mr. Kirton is not here. I will raise that directly with him and he'll have to answer for that in due course.

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1 But, Mr. Ozols, is it still the case that you would
2 like appointment of new counsel?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Unfortunately Mr. Kirton is
5 not here to address the matter himself but in view of the
6 circumstances set forth in Mr. Ozols's letter, in view of the
7 status of this case, namely the fact that it's relatively early
8 in the process and substitution of counsel at this stage I
9 think would not affect the schedule at least materially, I will
10 grant the application and appoint Mr. LaVerne as counsel.

11 I should note that Mr. LaVerne and I went to high
12 school together. We've seen each other only a handful of times
13 since then. His brother was in my class. He was I think a
14 couple years behind me, if I remember correctly.

15 MR. LaVERNE: One year, your Honor.

16 THE COURT: There you go.

17 But I don't see any reason that Mr. LaVerne can't be
18 appointed -- don't think that presents any reason that he can't
19 be appointed.

20 I will relieve Mr. Kirton as counsel with two
21 requirements that I'll convey directly to him. One is that he
22 should promptly provide any and all materials relating to this
23 case to Mr. LaVerne; and two, he should provide any assistance
24 that Mr. LaVerne requires to get up to speed and ensure a
25 smooth transition of counsel.

I9k9ozoc

1 Mr. Ozols, I should caution you I am granting the
2 application at this time but you should understand that you are
3 guaranteed effective assistance of counsel but you are not
4 necessarily guaranteed the counsel of your choice. I know
5 Mr. LaVerne is a terrific attorney. I'm sure he will represent
6 your interests zealously. I would assume that you're not going
7 to have any issues with him. But, I do want to just advise you
8 that this isn't the kind of situation where you can just have a
9 new attorney for the asking each and every time you ask. So
10 having received a new attorney once I will look with a little
11 bit more --

12 THE DEFENDANT: I understand.

13 THE COURT: I'll look with a little bit less favor on
14 any requests down the road.

15 Mr. LaVerne, let me tell you what the schedule is if
16 you don't know it already. I had set a motion deadline of
17 October 19. That was a fairly generous deadline at the time
18 that it was set because of counsel to a codefendant. I'm
19 inclined to leave that deadline in place. I recognize that it
20 doesn't leave you a tremendous amount of time to get up to
21 speed and prepare any motions but I'd rather you try and if you
22 can't, you can always seek an extension of the deadline, a
23 reasonable extension but I'd rather keep the schedule in place
24 given that the codefendant is on that schedule already and it
25 would just make things easier.

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1 Is that OK with you?

2 MR. LaVERNE: I appreciate that, your Honor. I
3 understand there's a fair amount of discovery. I am certainly
4 prepared to proceed expeditiously and I will make an
5 application if it appears impossible to meet the deadline.

6 THE COURT: And I will be reasonable in considering
7 any such application.

8 So for now at least the motion deadline remains
9 October 19. The government's response in opposition would be
10 due by November 2. Any reply would be due by November 9. And
11 there is a pretrial conference scheduled for October 23 at
12 3 p.m. That is, Mr. LaVerne, I don't think you've had the
13 pleasure of appearing before me before, but I set a pretrial
14 conference for immediately after any motion would be filed so
15 that if there is a need for a hearing we can schedule it
16 immediately. If any motions have been filed that can be
17 addressed at that time, I may well do so but I would assume
18 that most motions I would allow to be fully briefed in the
19 normal course.

20 You should also know that I will set a trial date at
21 that conference and that is a firm date once it is set. So I
22 will look to counsel with respect to when you would like to
23 have a trial and within reason I'm happy to accommodate your
24 requests on that front but with the understanding that when I
25 set it, it is a firm date.

I9k9ozoc

1 Anything else?

2 Mr. Hellman.

3 MR. HELLMAN: Not from the government.

4 THE COURT: Mr. LaVerne.

5 MR. LaVERNE: Nothing from the defense. Thank you.

6 THE COURT: I take it you -- I should have asked this
7 earlier. I take it you were in touch with Mr. Kirton
8 yesterday; is that correct?

9 MR. LaVERNE: I did speak with him yesterday, yes,
10 your Honor.

11 THE COURT: Do you have any reason to think that he
12 was not planning to show up today?

13 MR. LaVERNE: No, I do not. I assumed he would be
14 here.

15 THE COURT: Well, again, I will raise that with him
16 but our agenda is done and with that we are adjourned. Thank
17 you very much.

18 (Adjourned)

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